

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Nye County, <i>et al.</i> ,)	
Petitioners,)	
)	
v.)	No. 12-1136
)	
U.S. Nuclear Regulatory Commission, <i>et al.</i> ,)	
Respondents, and)	
)	
State of Nevada,)	
Intervenor.)	

JOINT MOTION TO CONTINUE THIS CASE IN ABEYANCE

Pursuant to Rule 27 of the Federal Rules of Appellate Procedure the parties respectfully request that this Court continue to hold this case in abeyance pending final resolution of *In re Aiken County*, No. 11-1271 (August 13, 2012).

Petitioners filed this action on March 7, 2012 “for protective purposes in the event that this Court does not resolve all of the issues on the merits in” Case No. 11-1271, *In re Aiken County*. Petition at 1. On March 29, 2013, Petitioners filed an Unopposed Motion to hold the case in abeyance pending a decision in Case No. 11-1271. On April 9, 2012 this Court granted that motion and directed the parties to file motions to govern further proceedings in the case within 30 days after a decision in No. 11-1271.

This Court issued a decision in No. 11-1271 on August 13, 2013 and the parties are evaluating that decision. The parties agree that the Court’s order in

Aiken County may moot this case, but additional time is needed to evaluate that assessment. Accordingly, the parties request that this Court continue to hold the case in abeyance and direct that the parties file status reports every 90 days until they determine whether the case has become moot.

The undersigned have consulted with Martin G. Malsch, lead counsel for the State of Nevada, intervenor in this case, and he has informed us that the State of Nevada agrees to the granting of this motion.

Respectfully submitted,

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Filed by CM/ECF

Dated: September 11, 2013

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing “JOINT MOTION TO CONTINUE THIS CASE IN ABEYANCE” on the parties of this case by filing the same with the Court’s CM/ECF system, which will serve the same on all parties of record.

____s/Charles E. Mullins____
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Dated at Rockville, Maryland
This 11th day of September, 2013